

# Office of the Tennessee Attorney General 2013 Annual Report





# From the Attorney General

Dear Fellow Tennesseans:

I am proud to present the Tennessee Attorney General's Office 2013 Annual Report.

This report reflects many examples of the outstanding work accomplished by a dedicated and skillful staff on behalf of the citizens of our great state. Our mission is to provide creative, independent, quality driven, professional legal representation of the State, its agencies, and its personnel, and I am honored to work with a staff with such a strong commitment to that mission.

Thank you again for the privilege of serving as Tennessee Attorney General, and I hope you enjoy the 2013 Annual Report.

Sincerely,

Robert E. Cooper, Jr.  
Attorney General and Reporter



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# Management

Executive Office

Administrative  
Division

Office of the  
Solicitor General



# Management

Management of the Tennessee Attorney General's Office is handled by three divisions: Executive, Administrative, and Office of the Solicitor General.

## Executive Office

Attorney General Robert E. Cooper, Jr., is Tennessee's chief legal officer and administrative head of the Attorney General's Office.

The Attorney General is appointed to an eight-year term by the Tennessee Supreme Court pursuant to Article VI, Section 5, of the Tennessee Constitution. General Cooper was sworn in as Tennessee's 26th Attorney General on November 1, 2006.

The Attorney General's duties are derived from the Tennessee Constitution, statutes, and common law. The office is responsible for the legal representation of the State of Tennessee, its agencies, and its officers. Attorneys from the office appear in state and federal courts.

The Attorney General is charged with enforcing the Consumer Protection Act and Tennessee and federal antitrust laws. The office provides legal advice to state agencies and officials, issues formal legal opinions, reviews proposed rules and regulations, and reviews many state contracts, deeds and leases.

The Attorney General is a member of several state commissions, including the Tennessee Code Commission and the

Tennessee Judicial Conference executive committee.

General Cooper is assisted by a Chief Deputy Attorney General whose duties are both legal and administrative. Chief Deputy Lucy Honey Haynes assists with the daily operation of the office—assigning lawsuits and other projects and participating in hiring decisions. She reviews many legal documents and assists in the development and implementation of office policies.

Chief Policy Deputy J. Lawrence Harrington supervises special projects, oversees legislative matters and external communications, and coordinates multistate initiatives with the National Association of Attorneys General.

Chief of Staff Leigh Ann Apple Jones is a principal contact with the Tennessee General Assembly and National Association of Attorneys General. She also works with the Chief Policy Deputy and director of communications in handling media inquiries. Sharon Curtis-Flair is the director of communications and is the primary liaison between the office and the media.

## Administrative Division

Deputy Ruth A. Thompson runs the Administrative Division, whose primary function is to support every other division and to ensure the smooth operation of the office. The division performs a multitude

of tasks including: interviewing and hiring attorneys and staff; preparation and oversight of the budget and fiscal matters; providing information systems hardware, software and services; purchasing; facilities management; records management; and library services.

## Office of the Solicitor General

William E. Young heads the Office of the Solicitor General and is charged by the Attorney General with supervision of the office's appellate work, opinions requests, and amicus briefs.

The Solicitor General is responsible for all aspects of the office's appellate litigation practice in the Tennessee Supreme Court, Tennessee Court of Appeals, Tennessee Court of Criminal Appeals, United States Supreme Court and the Sixth Circuit Court of Appeals. He is assisted by Associate Solicitors General Gordon Smith and Joseph Whalen.

In December 2013, Bill Young joined the Administrative Office of the Courts as the Administrative Director.





# Defense

Civil Litigation and  
State Services  
Division

Civil Rights and  
Claims Division

Public Interest  
Division

Special Litigation  
Division





## Civil Litigation and State Services Division (CLASS)

The CLASS Division represents the state's various educational agencies and institutions and handles state purchasing and personnel matters. It represents the state in employment and construction litigation and reviews state contracts.

### State Defends Mississippi River Bridge Construction Claim

In *W.L. Hailey v. TDOT*, a construction company contracted with the state to perform work to make the Mississippi River Bridge on Interstate 40 at the Shelby County border with Arkansas more resistant to damage in the event of an

earthquake. The construction company sued for \$3.8 million claiming the Tennessee Department of Transportation breached the contract by failing to compensate the company for unexpected site conditions beneath the surface of the riverbed. The Claims Commission has dismissed part of the company's claims, and a trial will be held in early 2014.

### Plaintiffs Sue to Overturn State Law Regarding Anti-Discrimination Ordinances

In the case of *Lisa Howe, et al. v. Governor Bill Haslam*, the CLASS Division continues to defend the Equal Access to Interstate Commerce Act that prohibits local governments from enacting anti-discrimination

ordinances broader than the Tennessee Human Rights Act. The Tennessee Court of Appeals remanded the case to the trial court, which dismissed the case. A second appeal seeking to overturn the latest dismissal has been filed by the Plaintiffs.

## Civil Rights and Claims Division (CRAC)

The CRAC Division defends tort and workers' compensation actions filed against all departments and agencies of state government. The division also defends state employees sued in civil rights actions for money damages.

### Occupy Nashville Cases over Property Use Policy Continue

The *Occupy Nashville* cases arose out of the enforcement of the Grounds Use Policy for the Legislative Plaza, War Memorial Courtyard, and Capitol, resulting in the arrest of some of the Occupy Nashville protesters. The State argues the Use Policy, which prohibited overnight use of the Plaza, was a valid time, place, and manner restriction. The issues of qualified immunity of the individual defendants and whether the defendants are liable under 42 U.S.C. § 1983 based on a violation of the Tennessee Uniform Administrative Procedures Act are on appeal in the federal Sixth Circuit Court of Appeals.

## Michael E. Moore Legal Writing Award

The Michael E. Moore Legal Writing Award recognizes the individual in the Attorney General's Office who produced the best piece of substantive legal writing. The award is named in memory of Mike Moore, who served as Solicitor General from 1993 until his death in 2010.

In 2013, the office recognized Assistant Attorney General Andrew Coulam with the Moore Legal Writing Award.

## CRAC Division Defends Medical Malpractice Statutes

The CRAC Division continues to defend challenges to the constitutionality of the pre-suit notice and good faith requirements in medical malpractice cases adopted by the legislature in 2008. The division is also defending the constitutionality of the law which places caps on non-economic damages.

## Court Holds Agreement Did Not Require State to Indemnify Claimant for His Own Negligence

The CRAC Division, in conjunction with the Office of the Solicitor General, successfully argued that state employees are prohibited from entering into contracts of indemnification binding the State absent legislative authorization. In the case, **Don Estes v. State of Tennessee**, the Court of Appeals ruled that the language of an agreement was insufficient to require the University of Memphis to indemnify the Plaintiff for his own negligent conduct.

## Public Interest Division

The Public Interest Division carries out the office's statutory duty to oversee the operation of nonprofit entities on behalf of Tennesseans. The division also handles charitable oversight and charitable solicitations as well as issues involving open

meetings, public records, and campaigns and elections.

## Nonprofits

- The Public Interest Division approved the sale of assets by the **Memphis Redbirds Baseball Foundation**, a Tennessee nonprofit corporation, as part of the St. Louis Cardinals' purchase of the Memphis Redbirds baseball team. This transaction keeps the team in Memphis and allows the city to purchase AutoZone Park. A key provision to approval is the Cardinals' support of the RBI (Reviving Baseball in the Inner Cities) program in Memphis.
- Tennessee charities will receive approximately \$40 million from the dissolution of two nonprofit nursing home businesses in **State of Tennessee v. SeniorTrust of Florida, Inc.** and **State of Tennessee v. ElderTrust of Florida, Inc.** The division filed complaints in 2011 and 2012 seeking judicial dissolution and appointment of a receiver for both companies. The court-appointed receiver subsequently filed complaints against National Health Investors, Inc., and National HealthCare Corporation, both publicly traded companies, for misusing SeniorTrust and ElderTrust for private gain. In April 2013, the Davidson

County Chancery Court approved a settlement resolving the claims.

- Under the Tennessee Nonprofit Corporation Act, Tennessee nonprofits are required to notify the Attorney General when making certain filings with the Secretary of State. Despite these requirements, the Public Interest Division has found that many nonprofits fail to provide the Attorney General with appropriate notice. Accordingly, the Public Interest Division has formed a new partnership with the Secretary of State, whereby the Secretary of State provides, on a bi-weekly basis, a list of transaction filings received from nonprofits. As a result of this new cross-checking procedure, the Public Interest Division identified 166 nonprofit transactions in 2013 involving \$1.9 million in charitable assets that otherwise would have gone unreviewed.

## Public Benefit Hospitals

In 2013, the Public Interest Division oversaw and approved transactions involving a number of hospitals in accordance with the Public Benefit Hospital Conveyance and Sales Act. Among those approved:

- **Jackson-Madison County General Hospital District**, a nonprofit private act hospital district, intended to



dissolve two subsidiary hospitals, **Gibson General Healthcare Corporation**, and **Humboldt General Hospital, Inc.**, each a public benefit hospital entity. Jackson-Madison would then take over the assets and operations of the subsidiary hospitals.

- **Unicoi County Memorial Hospital** voted to transfer its healthcare-related assets to **Mountain States Health Alliance**. Both are Tennessee nonprofit corporations. Terms of the transaction included constructing an inpatient acute care facility in Erwin, Tennessee, operating the current hospital and

nursing home until the new facility is open, and providing capital improvements to address the healthcare needs of Unicoi County.

- **Scott County Hospital** was forced to close in 2012 because of lack of funding. Scott County, **Pioneer Health Services of Oneida, LLC**, and **Pioneer Health Services of Oneida Real Estate, LLC**, entered into an agreement in 2013 to re-open the hospital. Pioneer agreed to assume the remaining debt associated with the construction of the hospital's medical office building in the late 1970s.

## Elections

- In **City of Memphis, et al. v. Hargett, et al.**, the Tennessee Supreme Court upheld the constitutionality of Tennessee's Voter Photo ID Act.
- The Court of Appeals upheld the constitutionality of the State Senate's 2012 redistricting plan in **Moore v. Haslam**.
- The Public Interest Division argued the constitutionality of the Tennessee Plan for retention election of appellate judges before a Special Supreme Court panel in **Hooker v. Haslam** in July 2013.

## Public Records & Open Meetings

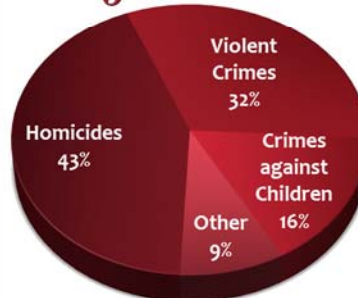
- The Public Interest Division successfully defended the Tennessee Board of Professional Responsibility in **Moncier v. Board of Professional Responsibility**. The lawsuit asserted the Board was subject to the Open Meetings Act and sought access to the confidential minutes of Board meetings.
- In **Reguli v. Vick, et al.**, the Court of Appeals held that that certain email communications between the Executive Secretary of the Board of Professional Responsibility and potential hearing panel members were confidential under Tennessee Supreme Court rules and not subject to the Public Records Act.

## Victim Liaisons

An important function of the Attorney General's Office is its responsibility to provide information and assistance to victims and families involved in criminal appellate cases.

During 2013, the Victim Liaisons in the Criminal Justice Division received 588 new cases and over 5,200 contacts from victims, their family members, and other victim-related agencies.

### 2013 New Cases



# Defense

## Special Litigation Division

This division handles special litigation and assists other divisions in litigation matters.

### Federal Courts Uphold Adult-Oriented Establishment Registration Act

In *Entertainment Productions, et al. v. Shelby County, et al.*, the Special Litigation Division successfully defended the constitutionality and enforceability of Tennessee's Adult-Oriented Establishment Registration Act in federal courts.

### Court Dismisses Challenge to State's Solar Farm

The U.S. District Court has dismissed claims against the State, the Governor, the Economic and Community Development Commissioner, and the Transportation Commissioner in the *pro se* lawsuit, *Gary Bullwinkel v. U.S. Dept. of Energy, et al.* Bullwinkel challenged the environmental impact analysis related to the installation of a \$31 million West Tennessee Solar Farm and accompanying Information and Welcome Center.

### Challenge to Fireworks Law Dismissed

A declaratory judgment action challenging the sale of fireworks in the City of East Ridge has been dismissed. At issue in the Hamilton County Chancery Court case,

*Massengale v. City of East Ridge*, was the constitutionality of a law legalizing the sale of fireworks in East Ridge, which is located

within a county in which fireworks sales, storage, possession, and usage are prohibited.

## NAAG Southern Region Meeting

On March 21-22, 2013, the National Association of Attorneys General held its Southern Region Meeting in Nashville.

The conference, *Housing, Healthcare and the Military — New AG Challenges in Music City*, was dedicated to exploring issues on illegal music downloading, combating Medicaid fraud and abuse, discussing how Attorneys General can help service members and veterans, and providing an update on the mortgage foreclosure settlement in the Southern Region.

The NAAG Southern Region includes Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

General Cooper served as Chair of the Southern Region from 2012-13.





# Health and Welfare



Environmental  
Division

Financial Division

General Civil  
Division

Health Care  
Division

Real Property and  
Transportation  
Division

# Health and Welfare

## Environmental Division

The Environmental Division enforces civil environmental protection laws regarding clean air, clean water, hazardous waste, and other areas. The division gives advice to and reviews regulations for the Department of Environment and Conservation and represents the Tennessee Wildlife Resources Agency.

### Environmental Division Prevails in Water Quality Control Permit Appeal Case

The case *Pickard, et al. v. Tennessee Water Quality Control Board, et al.*, involved the first impression issue of whether the permit appeal provision in the Tennessee Water Quality Control Act is the exclusive means to obtain review by the Water Quality Control Board of the Department of Environment and Conservation's decision to issue a water quality permit.

In ruling that the permit appeal is the exclusive administrative remedy, the Tennessee Supreme Court held that declaratory order and declaratory judgment cannot be used challenge the permit and that the permit appeal remedy must be exhausted before a party may challenge the permit in court. Because the exclusive administrative remedy had not been exhausted in this case, the Court reversed the trial court's declaratory judgment and

directed the trial court to dismiss the declaratory judgment action.

### Federal Court Approves Consent Order in Drug Manufacturer's Air Pollution Case

In *U.S. and State of Tennessee, et al. v. King Pharmaceuticals, LLC*, the U.S. District Court for the Eastern District approved an agreement to resolve the complaint filed against the drug maker. King allegedly violated the federal Clean Air Act and the State Implementation Plan by not conducting a valid performance test of the air pollution control device at the King facility in Bristol, Tennessee, not operating the control device as required, and violating

permit emission limits. King agreed to take corrective actions necessary to demonstrate compliance with the National Emission Standards for Pharmaceuticals Production and pay a \$2.2 million civil penalty to be shared equally by the U.S. and Tennessee.

### Environmental Division Reaches Settlement in Chattanooga Sewage Spill Case

A consent decree in *U.S. and State of Tennessee, et al. v. City of Chattanooga* requires the City of Chattanooga to take corrective measures and pay civil penalties following complaints of sewage overflows. The lawsuit alleged the sanitary system

## William M. Leech, Jr., Award

The William M. Leech, Jr., Award recognizes those who have made significant contributions to the Attorney General's Office. The award is named in memory of the late Bill Leech, who served as Attorney General from 1978 to 1984.

In 2013, the office recognized Senior Counsel Bill James, Associate Deputy Dawn Jordan, and Deputy Kevin Steiling with the Leech Award.



# Health and Welfare

overflows violated the federal Clean Water Act and the Tennessee Water Quality Control Act. Chattanooga will implement necessary corrective actions to eliminate unlawful sewage overflows and pay a civil penalty.

## Water Well Driller Pleads Guilty to Contempt in Unlicensed Well Drilling Case

In *State ex rel. Cooper, et al. v. Glen Smith*, Smith pled guilty to one count of criminal

contempt for drilling a water well without a license in violation of the Davidson County Chancery Court's temporary injunction order. The court sentenced Smith to five days imprisonment, with the sentence stayed pending Smith's continued compliance with the temporary injunction.

## Financial Division

The Financial Division provides legal services for much of the State's business-

related activities such as investments of the State Treasury and the Tennessee Consolidated Retirement System. The division represents a number of agencies handling issues of government financing, banking, and insurance regulation.

## Federal Judge Upholds Constitutionality of Tennessee's Annexation Statutes

Landowners whose property either had been or was proposed to be annexed by Johnson City, Tennessee, filed a lawsuit challenging the constitutionality of Tennessee's annexation statutes in *Henley, et al. v. City of Johnson City, Tennessee, et al.* The U.S. District Court for the Eastern District found the statutes were not unconstitutionally vague and that the plaintiffs had not met their burdens in stating a claim for relief from the Court. Accordingly, the lawsuit was dismissed.

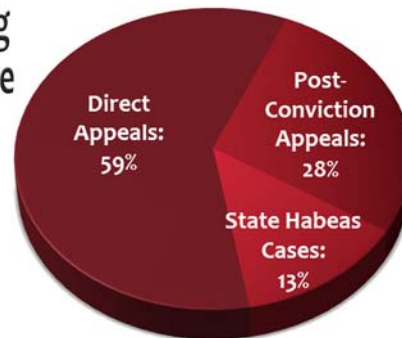
## 2013 Opinion Work of the Financial Division

In 2013, attorneys in the Financial Division authored more than a quarter of the opinions issued by the Attorney General's Office. Topics ranged from questions of federal preemption of state insurance statutes to the constitutionality of the regulation of the use of trade names in banking advertisements. However, the majority of the opinions dealt with the application of general state laws to the

## Criminal Justice Division

In 2013, the Criminal Justice Division handled a total of 964 new incoming assignments.

In addition to briefing and arguing these cases in the State's appellate courts, division attorneys also authored 18 Attorney General opinions on various aspects of criminal law and procedure.



2013 Case Assignments

# Health and Welfare

workings of county and local governments and authorities in Tennessee and the limitations placed on their powers. The Attorney General issues opinions on legal questions requested by state officials.

## General Civil Division

The General Civil Division handles a wide variety of civil matters representing a number of state departments, boards and agencies including the Departments of Children's Services, Human Services, Intellectual and Developmental Disabilities, Labor and Workforce Development, Mental Health and Substance Abuse Services, Agriculture, Tourist Development, Veterans Affairs, and Military.

### State Defeats Challenge to Independent Medical Examiner Statute

The General Civil Division defended the constitutionality of Tennessee's Independent Medical Examiner statute in **Mansell v. Bridgestone**. Tennessee law allows parties in workers' compensation actions to request an evaluation by a neutral expert from a registry administered by the Department of Labor and Workforce Development. Medical experts on the registry must undergo additional training in assigning impairment ratings to workplace injuries. The rating assigned by the selected expert is entitled to a rebuttable

presumption of correctness at trial. The Smith County Circuit Court declared the statute unconstitutional, and the State appealed. In a unanimous decision, the Tennessee Supreme Court ruled that the Independent Medical Examiner statute and its rebuttable presumption of correctness did not impermissibly encroach upon the powers of the judiciary.

### General Civil Division Defends Appeals in Termination of Parental Rights Cases

The General Civil Division handles all appeals involving petitions for termination of parental rights filed by the Department

of Children's Services. The vast majority of these appeals are brought by the parents whose rights have been terminated. In 2013, the division handled 60 appeals involving the termination of parental rights. These appeals have assured that children in foster care can find permanency through adoption.

### State Continues to Make Progress for Exit Plan in Long-Running Foster Care Case

The General Civil Division continues efforts to resolve the class action **Brian A. v. Haslam, et al.** The lawsuit was filed in May 2000 on behalf of all children in foster care

## Service Awards

In 2013, the office recognized six staff members who achieved significant career milestones.

Senior Counsel Meredith DeVault, Legal Secretary Angela Ellis, Senior Counsel Lisa McCarter, and Paralegal Mary Wilson reached 30 years of state service.

Deputy Larry Lewis and Associate Solicitor General Gordon Smith marked 35 years of state service. The six were presented with plaques recognizing their tenure.



# Health and Welfare

in Tennessee, alleging the state-operated foster care system failed to comply with federal law and deprived foster children of their constitutional rights. The State settled the case in July 2001. Since then, the Department of Children's Services has been working to comply with the settlement.

In 2013, the Technical Assistance Committee filed a monitoring report on the department's computer system, TFACTS. While the TAC's evaluation identified areas where problems remain and where additional actions and support are recommended, the TAC did not find any reason to conclude that the system is not functional or that it is incapable of meeting the department's information management needs and the related requirements of the *Brian A.* settlement agreement. In addition, the department created a new child death response and review process. Subsequently, the court approved a modified settle-

ment agreement and exit plan and scheduled a status conference for June 2014.

## **General Civil Division Defends Tennessee's Marriage Laws**

In *Tanco v. Haslam*, the General Civil Division is defending an action brought by four same-sex couples who were married in states allowing same-sex marriage. The plaintiffs contend that Tennessee's marriage laws violate their constitutional rights to due process and equal protection because Tennessee does not recognize their marriages, among other claims. The case is pending in the U.S. District Court for the Middle District.

## **Dismissal Reached, Exit Plan Concluded in Arlington Developmental Center Case**

In 2013, the long-running lawsuit, *U.S. v. State of Tennessee (Arlington)*, was

dismissed by the U.S. District Court for the Western District. This civil rights action was filed in 1992 challenging the services and care provided to residents at Arlington Developmental Center in Shelby County. The State successfully transitioned all residents into community homes and closed Arlington in 2010. Since October 2010, the State has been working to vacate and dismiss the lawsuit. After a motion to vacate the lawsuit was denied by the district court, the parties entered into mediation and reached an agreement on an exit plan. The State completed the exit plan two months ahead of schedule. As a result, the lawsuit was dismissed.

## **Health Care Division**

The Health Care Division provides legal advice and representation to the Bureau of TennCare and the Department of Health and its health-related boards such as the Board of Dentistry, the Board of Medical Examiners, the Board of Nursing, and the Board of Optometry along with the Health Services Development Agency.

## **Cases Seek to Clarify Surrogacy Birth Certificate Issues**

The Health Care Division continues to represent the Department of Health in a series of cases involving the issue of the appropriate way to prepare the birth

## **Tobacco Master Settlement Agreement**

During 2013, Tennessee's general fund received over \$210 million in payments from the tobacco companies participating in the Tobacco Master Settlement Agreement.

# Health and Welfare

certificate of a child born as the result of a surrogacy arrangement, when the non-gestational, non-genetic, intended mother—the wife of the biological father—seeks to be identified as the mother on the child’s original birth certificate. The issue is presented in consolidated cases pending in the Court of Appeals, ***John Doe and Jane Doe v. John Roe and Jane Roe*** and ***In Re the Adoption of a Male Child, A.F.C., By C.M.C. and D.F.C. and J.L.B. v. Tennessee Department of Health***.

## **Sixth Circuit Rules Consent Decree No Longer Necessary in TennCare Children’s Case**

A 15-year-old class action case was brought to a close in 2013. In 1998, ***John B., et al. v. Emkes, et al.***, was filed on behalf of all TennCare enrollees under the age of 21, alleging the State was not meeting its obligation to provide these children with the early and periodic screening, diagnosis, and treatment (EPSDT) services required by the federal Medicaid Act.

The case was settled by a consent decree entered in March 1998. Contempt proceedings were initiated by plaintiffs in 2001, alleging the State failed to meet its obligations under the consent decree. The U.S. District Court for the Middle District held a finding of contempt in abeyance but found the State was in violation of federal EPSDT

law. This finding marked the beginning of several years of monitoring by a Court-appointed special master, motions for further relief, and litigation. In November 2010, the Sixth Circuit granted the State’s request that the case be assigned to another judge on remand.

In February 2012, after a four-week hearing in November 2011, the district court found the State to be in compliance with all relevant provisions of federal law. In an opinion filed in March 2013, the Sixth Circuit found that continued enforcement of the decree was not only unnecessary but improper.

## **Real Property and Transportation Division**

The Real Property and Transportation Division represents the state in land acquisition for all purposes. Most of the work performed by the division involves the Tennessee Department of Transportation. In addition to Nashville, the Real Property Division has regional offices in Knoxville, Chattanooga, and Jackson.

## **Korean Veterans Boulevard Eminent Domain Cases Resolved**

The Real Property and Transportation Division was involved in several eminent domain cases filed to acquire rights-of-way

for the construction of the **Korean Veterans Boulevard** near the new Nashville Convention Center. These cases presented several zoning and planning issues that influenced the determination of the fair market value of the affected land both before and after these acquisitions. With the assistance of appraisal and land use consultants, the division negotiated settlements of all of the Korean Veterans Boulevard cases.

## **State Prevails in Savage Gulf State Natural Area Title Dispute**

The Real Property and Transportation Division assisted the Department of Environment and Conservation in ***State of Tennessee v. Jerry Merciers, et al.*** The action was filed by the State to resolve a title dispute concerning ownership of part of the Savage Gulf State Natural Area in Grundy County. After extensive pretrial discovery and trial preparation, the Grundy County Chancery Court granted the State summary judgment on all significant issues.



# Public Protection



Consumer Advocate  
and Protection  
Division

Criminal Justice  
Division

Law Enforcement and  
Special Prosecutions  
Division

Medicaid Fraud and  
Integrity Division

Special Litigation  
Division

Tobacco Enforcement  
Division

# Public Protection

## Consumer Advocate and Protection Division

This division consists of three teams. The Consumer Protection team protects consumers and businesses from unfair and deceptive trade practices, enforces state and federal antitrust laws, and enforces the Unauthorized Practice of Law statutes. The Consumer Advocate team represents the interests of Tennessee consumers of public utilities services. The False Claims team handles non-Medicaid false claims matters.

### Tennessee Leads Consolidated Litigation against Credit Rating Agency Standard & Poor's

In February 2013, the State filed a consumer protection enforcement action against **Standard and Poor's Financial Services, LLC** (S&P) and its parent company, **The McGraw-Hill Companies, Inc.**, for alleged misconduct by the credit rating agency. The State alleges that despite S&P's statements emphasizing its objectivity, S&P allowed its credit rating analysis of structured finance securities to be influenced by the desire to earn lucrative fees from investment bank clients to increase market share. S&P removed the State's enforcement action to federal court and consolidated the case in the U.S. District Court for the Southern District of New York

with 16 other state actions. Tennessee was elected by the other states to lead this consolidated litigation.

### State Pursues Suit against HRC Medical Centers for Unsubstantiated Ad Claims

The State sued **HRC Medical Centers, Inc.**, in 2012 alleging the defendants made false and unsubstantiated claims about the benefits, efficacy, safety, and side effects of their "bio-identical" hormone replacement therapy and withheld important information from consumers about the potential for serious health risks and side effects. HRC was placed under the control of a third-party temporary receiver. In the ongoing litigation, the State alleged some of the defendants dissipated company assets through fraudulent transfers. The

Davidson County Circuit Court has placed these individuals' and entities' assets under the control of a third-party receiver.

### American, U.S. Air Agree to Conditions to Airline Merger

Tennessee, six other states, the District of Columbia, and the U.S. Department of Justice challenged a pending merger of **U.S. Airways** and **American Airlines** under federal antitrust law. In the subsequent settlement, American Airlines agreed to continue to serve each of Tennessee's major airports for five years. The agreement also required the divestiture of flight slots in the Washington D.C. and New York markets, which should provide better competition and service for Tennesseans.

## TennCare Provider Fraud Task Force

In 2013, the TennCare Provider Fraud Task Force recovered \$21.7 million under Tennessee's Medicaid False Claims Act.

The Task Force is made up of four offices fighting health care fraud: the Attorney General's Office, the TennCare Bureau, the Medicaid Fraud Control Unit of the Tennessee Bureau of Investigation, and the Office of Inspector General.



# Public Protection

## U.S. District Court Finds Apple Conspired with E-Books Publishers to Fix Prices

After a three week trial in June 2013, the U.S. District Court for the Southern District of New York found that **Apple** conspired to raise E-book prices and end E-book retailers' freedom to compete on price. The lawsuit by Tennessee, the U.S. Department of Justice, and 32 other states and territories followed a two-year investigation of Apple and five major publishers. The five publishers settled prior to trial but Apple chose to challenge the allegations. The case against Apple is pending.

## Tennessee Continues Efforts to Protect Borrowers in Mortgage Servicing Matters

- Tennessee, 49 other Attorneys General, and the Consumer Financial Protection Bureau reached a \$2.1 billion

agreement with **Ocwen Financial Corporation**, the nation's fourth largest mortgage servicer. This agreement contains servicing standards to improve homeowner communications with Ocwen and over \$2 billion in relief to eligible homeowners nationwide.

- Tennessee joined with 45 other Attorneys General in a \$120 million agreement to settle allegations that **LPS** and its subsidiaries **LPS Default Solutions** and **DocX** were "robo-signing" documents and engaging in other unfair or deceptive conduct related to mortgage loan default servicing. Tennessee received \$2.3 million as a result of this agreement, which also required LPS to reform its business practices.
- Tennessee homeowners continue to benefit from the \$25 billion **National Mortgage Settlement** with five of the nation's largest mortgage servicers.

The settlement provided over \$200 million in relief to Tennessee homeowners in 2012 and an additional nearly \$40 million in 2013.

- The office's **Mortgage Settlement Coordinator** continues to work with consumers, mortgage servicers, housing counselors, and community leaders in implementing these mortgage settlements. More information is available through the State of Tennessee's free Mortgage Assistance Hotline at (855) 876-7283.

## Water Services Company Ordered to Sell Assets

The Tennessee Regulatory Authority (TRA) ordered **Laurel Hills Condominiums Property Owners Association** to sell its assets to a company capable of providing adequate sewage system services after determining it had mismanaged service. The decision came after Laurel Hills filed for a certificate to operate a water distribution system within Renegade Mountain, a development in Cumberland County, with a \$148 monthly rate requested by the utility. The Consumer Advocate intervened, recommending the certificate be denied and rates set at \$29.54 until divestiture. The TRA denied Laurel Hills' request for certificate and set rates at \$33.10.

## Nonprofit Transactions

In 2013, the Public Interest Division reviewed 270 nonprofit transactions (mergers, sales, or dissolutions). Nonprofit assets involved in these transactions total approximately \$270 million.

# Public Protection

## **First Request Made for Rate Increase under New Regulatory Rules**

During 2013, Tennessee's General Assembly authorized the Tennessee Regulatory Authority (TRA) to allow for public utility rate reviews and cost recovery in lieu of a general rate case proceeding. **Piedmont Natural Gas Company, Inc.**, petitioned the TRA under the amended law when it requested approval of an alternative rate mechanism to recover costs Piedmont incurred to comply with federal pipeline safety requirements. Piedmont alleged it had invested in new capital in Tennessee for the new federal requirements since its last rate case.

The Consumer Advocate intervened and recommended changes to help protect consumers, such as procedures for improving the transparency and accountability of recoverable costs. The TRA accepted an agreement providing for continuing review of whether Piedmont's new cost recovery mechanism remains in the public interest and requiring 30 days' notice before any changes are sought.

## **Tennessee American Water Company Acquires City of Whitwell's System**

**Tennessee American Water Company** (TAWC) requested approval from the Tennessee Regulatory Authority (TRA) to

purchase the water system serving the communities of Whitwell and Powells Crossroads. Additionally, TAWC requested approval of an underlying utility rate base for purposes of setting future rates, as well as deferral of related acquisition costs for future recovery from consumers. While the Consumer Advocate did not object to the acquisition, it opposed the additional requests. The TRA approved the acquisition but denied TAWC's requests to approve the rate base and to defer acquisition costs.

## **Navitas Requests Customer Rate Increase**

**Navitas TN NG, LLC** petitioned the Tennessee Regulatory Authority (TRA) to increase rates by \$390,000 per year for its 545 customers. The Consumer Advocate intervened. The Consumer Advocate and Navitas agreed to a rate increase of \$231,703, a cost savings of over \$150,000

per year. The rate increase was phased in over two seasons to help alleviate the burden of the increase on customers. The agreement also included the recovery of costs to implement federally-mandated environmental regulations that were not requested in Navitas' original filing. As a condition of the settlement, the Consumer Advocate required Navitas to transition to uniform accounting standards and use direct cost accounting when possible. The TRA approved the settlement agreement.

## **Criminal Justice Division**

The Criminal Justice Division handles all appellate matters involved in procuring and defending criminal judgments in the state appellate courts. Division attorneys are responsible for interlocutory, extraordinary, direct and post-conviction appeals and for defending criminal judgments in state habeas corpus proceedings in both the trial and appellate courts.

## **Consumer Advocate**

In 2013, cases handled by the Consumer Advocate resulted in over \$1.3 million in savings for customers of public utilities in Tennessee.



# Public Protection

In 2013, the office transferred the Federal Habeas Corpus Unit from the Criminal Justice Division to the Law Enforcement and Special Prosecutions Division. This change rendered the Criminal Justice Division a pure appellate division for the first time, allowing division lawyers to focus exclusively on defending criminal convictions in the State's appellate courts.

## Supreme Court Addresses Social Media in Jury Deliberations

In *State v. Smith*, the Tennessee Supreme Court vacated a murder defendant's conviction because of a Facebook exchange between a doctor and a juror. The night following the medical examiner's testimony, a juror complimented the doctor's testimony via Facebook. The

doctor responded there was a risk of mistrial if they communicated about the trial. The next day, the doctor told the court of the exchange. The court informed the parties but allowed deliberations to continue, and the defendant was convicted as charged. The Supreme Court sent the case back to the trial court to conduct a full hearing to determine the parameters of the Facebook exchange and its impact. The court mandated such hearings for all future cases in which trial courts are made aware of any interaction between jurors and witnesses, parties, or other outside influences. The court put the burden on trial courts to instruct jurors to avoid any outside communications about cases and to base their verdicts solely on the evidence presented in the courtroom.

## Supreme Court Adopts Majority Rule Dealing With Child Sex Abuse Victims

Tennessee has long followed a common law rule that a person cannot be convicted based solely on the uncorroborated testimony of an accomplice. In 1991 the General Assembly categorically specified that no victim under the age of 13 could be considered an accomplice in sexual offenses, regardless of consent. In *State v. Collier*, the Tennessee Supreme Court rejected the defendant's argument that, since his 14-year-old victim of aggravated statutory rape was not covered by the 1991 law, she should be considered an accomplice whose testimony had to be corroborated. Even though the victim did not fit within the statutory provision, the Supreme Court reversed the older precedent and adopted the majority rule. The court held that no minor victim of aggravated statutory rape—as is true with all other child sex offense victims—could be held to be an accomplice, regardless of consent.

## State Successfully Removes Final Hurdle in Double Rape, Murder Cases

One of the State's highest-profile criminal trials resulted in some of the most complex litigation. Judge Richard Baumgartner presided over the original separate trials and sentencing hearings of defendants *Letalvis Cobbins*, *George Thomas*, and

## Tennessee Attorney General Opinions

The Attorney General is required to provide written legal opinions to “the governor, secretary of state, state treasurer, comptroller of the treasury, members of the general assembly and other state officials...in the discharge of their official duties.” Tenn. Code Ann. § 8-6-109 (b)(6). In 2013, the Attorney General's Office issued 111 written legal opinions.

# Public Protection

**Lemaricus Davidson** for the brutal rape and murder of both Channon Christian and Christopher Newsom. Davidson was given a death sentence; Cobbins and Thomas were sentenced to life without parole. Before ruling on the defendants' motions for new trial, Judge Baumgartner pled guilty to official misconduct and resigned. The successor judge held that he was unable to make a proper 13<sup>th</sup>-juror determination and ordered retrials in all three cases. The Supreme Court ultimately reversed that ruling and remanded the cases for further proceedings.

In remand proceedings, the successor judge expressed hostility toward the District Attorney and his assistants. The successor judge refused to recuse himself from the cases. The Court of Criminal Appeals concluded an objective person would reasonably question the impartiality of the successor judge. In early 2013, the Tennessee Supreme Court denied review of that order and appointed a third trial judge. On retrial, Thomas was again convicted of first-degree murder and sentenced to life without parole. New trial motions for Davidson and Cobbins were denied. All three cases are on direct appeal before the Court of Criminal Appeals.

## Law Enforcement and Special Prosecutions Division

The Law Enforcement and Special Prosecutions Division handles criminal matters related to white collar cases, as well as some civil enforcement actions, including forfeitures. The division defends district attorneys and state law enforcement agencies in actions for injunctive relief and criminal judgments in habeas corpus proceedings in both the federal district and appellate courts.

In 2013, the office consolidated all trial work relating to law enforcement by transferring the Federal Habeas Corpus Unit from the Criminal Justice Division to the Law Enforcement Division.

## State Initiates Ouster Proceedings against Lewis County Trustee

In September 2013, the Attorney General began ouster proceedings to remove the

Lewis County Trustee from office in **State of Tennessee, ex rel. Robert E. Cooper, Jr. v. Clark D. Carroll** after receiving information Carroll had allegedly stolen approximately \$45,000 from his office and falsified financial records to conceal the theft. An audit conducted by the Comptroller of the Treasury found Carroll had written checks to himself from the county's bank account and cash received by the Trustee's office had not been deposited into county accounts. Further investigation revealed Carroll fabricated information on check memos, check stubs, and false receipts for deposits. As a result of the lawsuit, Carroll resigned from his position as Trustee. The District Attorney subsequently indicted him for multiple criminal offenses.

## State Assists Davidson County District Attorney in Securities Law Conviction

In March 2013, Glendall Verner pled guilty in Davidson County Criminal Court to one count of theft and two counts of securities

## Consumer Protection

The Consumer Protection team's cases resulted in awards of over \$76 million, including almost \$64 million in restitution to consumers in 2013.



# Public Protection

fraud in ***State v. Glendall Verner***. The conviction arose from an investment scheme in which a retired state employee invested most of her life savings to buy what Verner purported to be interests in a ranch he falsely claimed was once owned by Elvis Presley and in an energy trust company in Alabama that he claimed would yield high returns for off- and on-shore oil drilling.

He was previously convicted in 1994 for securities violations, for which he served two years on probation, and is not licensed to sell securities in Tennessee. Verner paid the victim \$85,000 in restitution at the time of the plea and must perform 200 hours of community service while on probation. The plea also forbids him from selling stocks, bonds, notes, or securities of any kind and from working in the financial services or insurance business.

## Court of Appeals Upholds Handgun Carry Restrictions

After the Tennessee Department of Safety suspended his handgun carry permit because he posed a material likelihood of risk of harm to the public, Leonard Embody filed suit in Davidson County Chancery Court challenging the constitutionality of the state handgun carry law. The Chancery Court upheld the statute, and Embody

appealed to the Tennessee Court of Appeals. In ***Embodly v. Cooper***, the appellate court affirmed the judgment of the trial court in an opinion that analyzed the development of Tennessee and federal jurisprudence governing the right to keep and bear arms. The court upheld the constitutionality of the statute as a valid regulation of the carrying of firearms that reasonably comports with the State's goal of preventing crime.

## Office Seeks Execution Dates under Revised Lethal Injection Protocol

In 2013, the Attorney General filed motions with the Tennessee Supreme Court to set execution dates for eleven inmates who had exhausted the state judicial review processes and whose appeals had been rejected by the federal courts. The requests followed the Department of Correction's (TDOC) adoption in September 2013 of a new single-drug lethal injection protocol after executions in the state had been temporarily halted. In response to the State's motions, the Tennessee Supreme Court set execution dates in a number of cases beginning in October 2014. The office is currently defending legal challenges to the new execution protocol before the Davidson County Chancery Court in ***Stephen Michael West, et al. v. Derrick D. Schofield, et al.***

## State, Shelby County District Attorney Obtain Indictments in Dumping Cases

In May 2013, a Shelby County Grand Jury indicted three illegal dump site owners—***Larry Brunson, Debra Nesbit, and Mable Sutton***—for environmental law violations and related crimes. Charges against each included vandalism valued at \$60,000 or more and criminal violations of the Solid Waste Disposal Act. The Attorney General's office consulted with TDEC in the investigation, participated in site visits, and met with members of the Shelby County District Attorney's office in the run-up to formal charges. The Office continues to provide assistance as needed to the District Attorney General.

## Special Litigation Division

This division handles special litigation and assists other divisions in litigation matters.

## Indictment Secured in Illegal Insurance Sales, Diversion of Assets Case

A Robertson County Grand Jury indicted three principals of an alleged illegal insurance sales operation in the case, ***State of Tennessee v. Richard Bachman, Bart Posey and William Hendricks***. The three were indicted on charges of theft, conspiracy to commit theft, and money laundering. The charges stem from the alleged

# Public Protection

diversion of assets from a court-ordered receivership for a family of companies alleged to have engaged in the illegal sale of health insurance. The case is expected to be set for trial after a September 2014 status conference.

## Special Litigation Division Obtains Indictment in Money Laundering Case

In the case, ***State of Tennessee v. Wendy Askins***, a Putnam County Grand Jury indicted the former Executive Director of the Upper Cumberland Development District (UCDD) on charges of theft of \$60,000, money laundering, and forgery. Askins allegedly diverted \$300,000 of UCDD funds to Living the Dream, a non-profit corporation Askins established to provide assisted living services to low-income senior citizens. Instead she allegedly used the money to acquire and renovate a luxury home for herself and her family.

## Medicaid Fraud and Integrity Division

The Medicaid Fraud and Integrity Division works with TennCare, the Tennessee Bureau of Investigation, and the Office of Inspector General in combating medical provider fraud in the TennCare/Medicaid program.

## Medicaid Fraud and Integrity Division Cracks Down on False Claims, Illegal Kickbacks, and Upcoding

In 2013, the Medicaid Fraud and Integrity Division resolved a number of cases involving illegal medical provider business practices, resulting in monetary recoveries for the State and improved business practices.

- Tennessee received over \$12 million as part of a multistate and federal agreement resolving allegations that pharmaceutical manufacturer ***Johnson & Johnson*** and its subsidiary ***Janssen Pharmaceuticals, Inc.***, used deceptive marketing tactics in the promotion of the antipsychotic Risperdal. The states contend the companies promoted Risperdal for off-label uses, made false and misleading statements about the safety and efficacy of Risperdal, and paid illegal kickbacks to healthcare professionals and long-term care pharmacy providers to promote or prescribe Risperdal to children, adolescents, and the elderly when there was no FDA approval for Risperdal use in these patient populations.
- A Memphis pediatric group, ***Segal, Parker, Kronenberg, Tsiu & Eiseman, L.L.C.***, and three affiliated physicians agreed to pay the State over \$540,000 to resolve allegations of upcoding (overcharging) for routine patient

visits. The allegations were uncovered through data analysis by the Bureau of TennCare's Office of Program Integrity.

- In ***Witherow Orthodontics, Inc.***, a Middle Tennessee orthodontist agreed to pay more than \$400,000 to resolve allegations he billed for services not performed and falsely represented other services were performed at an authorized location.

## Tobacco Enforcement Division

The Tobacco Enforcement Division enforces the provisions of the 1998 Master Settlement Agreement and handles other tobacco-related matters.

## Settlements with Tobacco Retailers and Wholesalers

The Tobacco Enforcement Division reached agreements with, or recommended that the Department of Revenue impose fines against, 15 tobacco retailers or wholesalers for violating state tobacco sales and distribution laws.

## Tobacco Escrow Fund Lawsuits

- ***State of Tennessee v. Belcorp of America, Inc. d/b/a Phoenix Industria e Comercio de Tabacos***: The Tobacco Enforcement Division filed suit in 2013 and obtained a judgment of \$7.3



# Public Protection

million plus costs for the State against Miami-based Belcorp, a Non-Participating Manufacturer (NPM). Under the terms of the Tobacco Master Settlement Agreement, states may file “released-claim” lawsuits against NPMs for reimbursement of healthcare costs associated with the use of tobacco products. An NPM is required to make deposits into an escrow account based on the number of cigarettes it sells in the state. A released-claim is a lawsuit filed by the State against the NPM for the purpose of removing the money from the escrow account for the benefit of the State’s treasury. If there is no released-claim within 25 years of deposit, the escrow is returned to the NPM.

The State filed its released-claim lawsuit against Belcorp alleging the company violated the Tennessee Consumer Protection Act, engaged in deceptive practices, violated the state’s False Claims Act, and committed other violations of state law. Tennessee’s released-claim judgment against Belcorp is believed to be the first of its kind in the country against an NPM.

- **State of Tennessee v. Procesadora Nacional Cigarillera S.A. (Pronalci):** The Tobacco Enforcement Division collected an additional \$71,000 for a total of \$273,000 as partial satisfaction

of the State’s claims for escrow and civil penalties on a judgment obtained against Pronalci. The Colombia, South America-based cigarette manufacturer failed to make escrow payments required by the Tennessee Tobacco Escrow Fund Act. As a Non-Participating Manufacturer, the firm is

required to make annual deposits into a qualified tobacco escrow fund. These escrow deposits mirror the annual payments that Participating Manufacturers are required to make under the Tobacco Master Settlement Agreement.

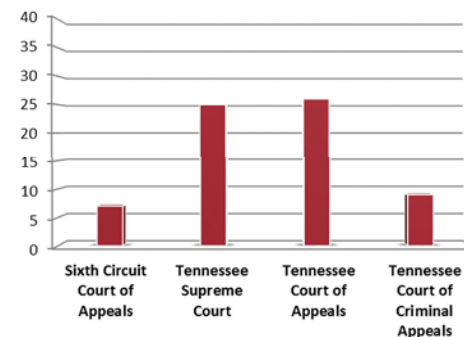
## Moot Court Program

The moot court program is a vital tool used by the Office of the Solicitor General to prepare attorneys for oral arguments in state and federal appellate courts.

The attorney assigned to a case presents a practice argument before a panel of judges consisting of other attorneys in the office.

The judges ask questions intended to anticipate those likely to be posed by the court. At the conclusion, the attorneys discuss the case and share suggestions concerning how the state’s position might be most effectively presented.

### 2013 Moot Courts



# State Finances

Bankruptcy  
Division

Tax Division





# State Finances

## Bankruptcy Division

The Bankruptcy Division represents state agencies in bankruptcy courts across the country. Specifically, it represents the state's interest by filing proofs of claims and administrative claims in bankruptcy cases where a state entity is owed a debt and protects the state agencies as they continue to use their police and regulatory powers throughout the bankruptcy process. The division also collects penalties and other debts owed to state departments and agencies.

### Bankruptcy, Tobacco Enforcement Divisions Mediate \$3.4 Million Tobacco Liquidation Case

In *Renegade Holdings, Inc.*, the Bankruptcy and Tobacco Enforcement Divisions successfully mediated a settlement of Tennessee's claims in the liquidation of this North Carolina cigarette manufacturer. Pending final approval, the settlement is anticipated to provide for payment of over \$3.4 million

in tobacco settlement claims, escrow claims, and civil penalties.

### Bankruptcy Division Monitoring Waste Management Facilities Recovery Case

In October 2013, the trustee in the *Tansi Waste Management, Inc.* bankruptcy case filed a lawsuit against the Tansi Sewer Utility District of Cumberland County to recover a sewer system that was transferred for little to no consideration. The Bankruptcy Division is monitoring to make sure service to customers is not adversely impacted by the bankruptcy proceedings.

### Bankruptcy Division Seeks \$10 Million in Compounding Pharmacy Case

*New England Compounding Pharmacy, Inc.*, filed for bankruptcy relief in Massachusetts following an outbreak of fungal meningitis caused by contaminated steroids the company distributed in several states, including Tennessee. The Bankruptcy Division is representing the Department of Health and

the Board of Pharmacy in the bankruptcy case, seeking an estimated \$10 million for costs and penalties. The Division also coordinated with attorneys for Tennessee providers to obtain a protective order to ensure that notice of the bankruptcy proceeding can be provided to all potential claimants, including patients injected with the contaminated steroids.

### Collections Unit Defends TennCare Claim Challenges

A year's worth of appellate work by the Collections Unit of the Bankruptcy Division came to a successful end in 2013 when the Tennessee Supreme Court denied an appeal in the last of four related TennCare probate claim cases. In these cases, estate heirs objected to TennCare claims because they were not filed before a one-year deadline. The cases upheld claims in excess of \$550,000 and set a precedent for future TennCare claims.

## Tax Division

The Tax Division represents the Department of Revenue in matters related to collecting taxes. It represents a wide variety of other agencies including the Board of Professional Responsibility, the Board of Law Examiners, the Commission on Continuing Legal Education, the Tennessee Regulatory Authority, the Tennessee Consoli-

## Real Property and Transportation

During 2013, the Real Property and Transportation Division represented the State in approximately 1,000 eminent domain cases, most involving highway right-of-way acquisitions.

# State Finances

dated Retirement System, and many of the regulatory boards of the Department of Commerce and Insurance.

## **Major Firm Contests Tennessee Franchise, Excise Taxes on its Wireless Service**

In the ongoing *Vodafone Americas Holding, Inc. v. Commissioner of Revenue*, the company that (through a partnership) operates Verizon Wireless contends it should not be taxed in Tennessee for receipts from its customers who receive cellphone service here. Vodafone asserts these receipts should be ascribed to New Jersey, where it incurs significant costs to provide cellphone service to Tennesseans. The trial court ruled these are Tennessee receipts for purposes of the apportionment formula. The case is on appeal.

## **Supreme Court Holds Church Facilities Are Subject to Taxes**

In *Christ Church Pentecostal v. State Board of Equalization*, a Nashville church claimed its café, bookstore, and fitness center should be exempt from property tax as part of the church's ongoing mission. The trial court and Court of Appeals ruled these facilities did not serve an exempt purpose, and the Tennessee Supreme Court denied further consideration of the claim.

## **State Contends No Discrimination against Railroads in Diesel Fuel Taxes Cases**

The Tax Division handled a number of cases brought by several railroads claiming the sales tax on their purchase of diesel fuel discriminates against them because their principal competitors, trucking companies, are not subject to the same tax.

The State argues there is no discrimination because trucking companies pay a separate tax on their diesel fuel purchases which is higher than the sales tax paid by railroads. In related litigation in Alabama, the State prevailed at trial. The Eleventh Circuit Court of Appeals reversed, and Alabama has sought review before the U.S. Supreme Court.

## **Bankruptcy and Collections**

The Bankruptcy Division handled more than 15,000 active cases in 2013, collecting and assisting other agencies in the collection of approximately \$7 million. The division filed 3,724 claims for liability totaling over \$49 million.

The Bankruptcy Division also saved \$1.5 million in claims from discharge in 2013 when fraud was detected in the bankruptcy case.

In 2013, the Collections Unit handled approximately 734 cases, closed 592 cases, and collected \$704,830.





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Photography provided by Attorney General's Office staff: Bicentennial Mall flags (cover) courtesy of Jared Plunk; John Sevier State Office Building (page 2) courtesy of Erica M. Brown; Andrew Jackson statue (page 4) courtesy of Sharon Curtis-Flair; Capitol (page 9) courtesy of Alfonso J. Garcia; Capitol (page 15) courtesy of April Miller; John Sevier State Office Building (page 23) courtesy of Tammy Fulwider.



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